

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

KARL JONES AND CONNIE JONES,

plaintiff,

vs.

JAMES N. CARROLL,

defendant,

Case no: CV 01-1235

ORDER

This cause coming to be set for trial on September 11, 2003 and appearing in open Court the Plaintiff and counsel and the Defendant and his counsel.

The Plaintiff in summary testified to numerous defects in the structure of the home. Plaintiff submitted numerous exhibits. Some photograph exhibits show certain construction problems with the house, which is the subject matter of this litigation.

Further introduced into evidence was the real a state contract between the Plaintiff and the Defendant. The Real Estate contract clearly had a completion date of August 1. The Plaintiff further shows to the court the Certificate of Occupancy for the house was not issued by the city of Alabaster until October 29<sup>th</sup>. This was also accompanied by a letter from an attorney, which establishes the Plaintiffs would not have known the house was complete until November.

The Plaintiffs did nothing to interfere with the Defendant's title and Defendant is the owner of the house and in fact may have sold the home to a



third party. The Plaintiffs established that they paid \$10,000.00 is either earnest money or down payment and an additional \$9,669.04 directly benefiting the home. This includes counter tops, upgraded appliances; all of which are in the possession of the Defendant.

It is therefore Ordered, Adjudged and Decreed that a Judgment shall be had for the Plaintiff against the Defendant up to \$19,669.04.

Cost is taxed against the Defendant.

DONE and ORDERED this 1st day of October, 2003.

  
Circuit Court Judge  
G. Daniel Reeves